

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Stephen A. Owens
Director

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AUG 17 2006

Mr. Wayne Nastri, Regional Administrator U.S. Environmental Protection Agency, Region IX Mail Code: ORA-1 75 Hawthorne Street San Francisco, CA 94105

Re:

Submittal of the Redesignation Request and Yuma Maintenance Plan and Technical Support Document (TSD) Portion of the Arizona SIP

Dear Mr. Nastri:

Consistent with the provisions of Arizona Revised Statutes §§ 49-104, 49-404, 49-406, 49-444, and R18-2-103 (Enclosure 1) and the Code of Federal Regulations, Title 40, §§ 51.102 through 51.104, the Arizona Department of Environmental Quality (ADEQ) hereby submits to the U.S. Environmental Protection Agency (EPA), the Yuma Maintenance Plan and TSD as a revision to the Arizona State Implementation Plan (SIP). ADEQ also hereby requests redesignation to attainment status so that the official label for this air quality planning area matches its monitored PM_{10} air quality data, which have met the PM_{10} National Ambient Air Quality Standards for over a decade. EPA issued a clean data finding for the Yuma PM_{10} planning area in a Direct Final Rule published in the Federal Register on March 14, 2006, that became effective May 15, 2006. Therefore, an attainment demonstration is not required.

A Yuma Natural Event Action Plan was submitted to EPA in February 2004, and a Yuma Natural Event Action Plan Implementation Report was submitted to EPA August 17, 2005. Control measures in that Plan have been included in the Maintenance Plan. ADEQ is submitting documents that meet all requirements of Title 40 CFR Part 51, Appendix V. Enclosure 2 is the State's SIP Completeness Checklist. Enclosure 3 contains five copies of the Yuma Maintenance Plan, and five copies of the Technical Support Document, for your review and approval.

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Please do not hesitate to contact Nancy Wrona, Director, Air Quality Division, at (602) 771-2308 if you have any questions.

Sincerely,

Stephen A. Owens

Director

Enclosures (5 copies)

SAO:DAM:MBL

cc: Colleen McKaughan, EPA, w/o enclosures

Larry Nelson, Mayor of Yuma, w/o enclosures

Miguel Villalpando, Mayor of Somerton, w/o enclosures

Casey Prochaska, Chairman, Yuma County Board of Supervisors, w/o enclosures

ENCLOSURE 1

STATE IMPLEMENTATION PLAN COMPLETENESS CHECKLIST For FINAL YUMA PM₁₀ MAINTENANCE PLAN, AUGUST 2006

1. SUBMITTAL LETTER FROM GOVERNOR/DESIGNEE

See cover letter.

2. EVIDENCE OF ADOPTION

See cover letter.

3. STATE LEGAL AUTHORITY FOR ADOPTION/IMPLEMENTATION

See Enclosure 2.

4. COMPLETE COPY OF STATUTE/REGULATION/DOCUMENT

See Enclosure 2.

5. WRITTEN SUMMARY OF RULE/RULE CHANGE

Not applicable.

6. RULE CHANGES INDICATED BY UNDERLINING AND CROSS-OUTS

Not applicable.

7. EVIDENCE THAT ARIZONA ADMINISTRATIVE PROCEDURE ACT REQUIREMENTS WERE MET FOR RULE/PLAN

See Enclosure 3, Yuma PM₁₀ Maintenance Plan Chapter 8.0 and Appendix K.

8. EVIDENCE OF PUBLIC HEARING PER 40 CFR 51.102

See Enclosure 3, Yuma PM₁₀ Maintenance Plan Chapter 8.0 and Appendix K.

9. PUBLIC COMMENTS AND AGENCY RESPONSE

See Enclosure 3, Yuma PM₁₀ Maintenance Plan Chapter 8.0 and Appendix K.

10. IDENTIFICATION OF POLLUTANTS REGULATED BY RULE/PLAN

The regulated pollutant is particulate matter 10 microns or fewer in aerodynamic diameter (PM_{10}).

11. IDENTIFICATION OF SOURCES/ATTAINMENT STATUS

See Enclosure 3, Yuma PM₁₀ Maintenance Plan Chapters 1.0 through 3.0.

12. RULE'S/PLAN'S EFFECT ON EMISSIONS

See Enclosure 3, Yuma PM_{10} Maintenance Plan Chapters 5.0 and 6.0. See also Enclosure 3, Yuma PM_{10} Maintenance Plan Technical Support Document, Chapters 2 through 4.

13. DEMONSTRATION THAT NAAQS, PSD INCREMENTS AND RFP ARE PROTECTED

See Enclosure 3, Yuma PM₁₀ Maintenance Plan Chapters 2.0 and 5.0 through 7.0. See also Enclosure 3, Yuma PM₁₀ Maintenance Plan Technical Support Document.

14. MODELING SUPPORT

See Enclosure 3, Yuma PM₁₀ Maintenance Plan Chapter 5.0. See also Enclosure 3, Yuma PM₁₀ Maintenance Plan Technical Support Document, Chapter 2 through 4.

15. EVIDENCE THAT EMISSIONS LIMITATIONS ARE BASED ON CONTINUOUS EMISSIONS REDUCTION TECHNOLOGY

See Enclosure 3, Yuma PM₁₀ Maintenance Plan Chapter 6.0. See also Enclosure 3, Yuma PM₁₀ Maintenance Plan Technical Support Document, Chapters 3 and 4.

16. IDENTIFICATION OF RULE SECTIONS CONTAINING EMISSION LIMITS, WORK PRACTICE STANDARDS, AND/OR RECORD KEEPING/REPORTING REQUIREMENTS

Not applicable.

17. COMPLIANCE/ENFORCEMENT STRATEGIES

See Enclosure 3, Yuma PM₁₀ Maintenance Plan Chapter 6.0.

18. ECONOMIC TECHNICAL JUSTIFICATION FOR DEVIATION FROM EPA POLICIES

No known deviation from EPA policy.

ARIZONA LAWS RELATING TO ENVIRONMENTAL QUALITY

49-104. Powers and duties of the department and director

A. The department shall:

- 1. Formulate policies, plans and programs to implement this title to protect the environment.
- 2. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have similar and related objectives and purposes, cooperate with those agencies, persons and enterprises and correlate department plans, programs and operations with those of the agencies, persons and enterprises.
- 3. Conduct research on its own initiative or at the request of the governor, the legislature or state or local agencies pertaining to any department objectives.
- 4. Provide information and advice on request of any local, state or federal agencies and private persons and business enterprises on matters within the scope of the department.
- 5. Consult with and make recommendations to the governor and the legislature on all matters concerning department objectives.
- 6. Promote and coordinate the management of air resources to assure their protection, enhancement and balanced utilization consistent with the environmental policy of this state.
- 7. Promote and coordinate the protection and enhancement of the quality of water resources consistent with the environmental policy of this state.
- 8. Encourage industrial, commercial, residential and community development that maximizes environmental benefits and minimizes the effects of less desirable environmental conditions.
- 9. Assure the preservation and enhancement of natural beauty and man-made scenic qualities.
- 10. Provide for the prevention and abatement of all water and air pollution including that related to particulates, gases, dust, vapors, noise, radiation, odor, nutrients and heated liquids in accordance with article 3 of this chapter and chapters 2 and 3 of this title.
- 11. Promote and recommend methods for the recovery, recycling and reuse or, if recycling is not possible, the disposal of solid wastes consistent with sound health, scenic and environmental quality policies.
- 12. Prevent pollution through the regulation of the storage, handling and transportation of solids, liquids and gases that may cause or contribute to pollution.
- 13. Promote the restoration and reclamation of degraded or despoiled areas and natural resources.
- 14. Assist the department of health services in recruiting and training state, local and district health department personnel.
- 15. Participate in the state civil defense program and develop the necessary organization and facilities to meet wartime or other disasters.
- 16. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United

States and Mexico on issues that are within the scope of the department's duties and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.

- B. The department, through the director, shall:
- 1. Contract for the services of outside advisers, consultants and aides reasonably necessary or desirable to enable the department to adequately perform its duties.
- 2. Contract and incur obligations reasonably necessary or desirable within the general scope of department activities and operations to enable the department to adequately perform its duties.
- 3. Utilize any medium of communication, publication and exhibition when disseminating information, advertising and publicity in any field of its purposes, objectives or duties.
- 4. Adopt procedural rules that are necessary to implement the authority granted under this title, but that are not inconsistent with other provisions of this title.
- 5. Contract with other agencies including laboratories in furthering any department program.
- 6. Use monies, facilities or services to provide matching contributions under federal or other programs that further the objectives and programs of the department.
- 7. Accept gifts, grants, matching monies or direct payments from public or private agencies or private persons and enterprises for department services and publications and to conduct programs that are consistent with the general purposes and objectives of this chapter. Monies received pursuant to this paragraph shall be deposited in the department fund corresponding to the service, publication or program provided.
- 8. Provide for the examination of any premises if the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed on the premises. The director shall give the owner or operator the opportunity for its representative to accompany the director on an examination of those premises. Within forty-five days after the date of the examination, the department shall provide to the owner or operator a copy of any report produced as a result of any examination of the premises.
- 9. Supervise sanitary engineering facilities and projects in this state, authority for which is vested in the department, and own or lease land on which sanitary engineering facilities are located, and operate the facilities, if the director determines that owning, leasing or operating is necessary for the public health, safety or welfare.
- 10. Adopt and enforce rules relating to approving design documents for constructing, improving and operating sanitary engineering and other facilities for disposing of solid, liquid or gaseous deleterious matter.
- 11. Define and prescribe reasonably necessary rules regarding the water supply, sewage disposal and garbage collection and disposal for subdivisions. The rules shall:
- (a) Provide for minimum sanitary facilities to be installed in the subdivision and may require that water systems plan for future needs and be of adequate size and capacity to deliver specified minimum quantities of drinking water and to treat all sewage.

- (b) Provide that the design documents showing or describing the water supply, sewage disposal and garbage collection facilities be submitted with a fee to the department for review and that no lots in any subdivision be offered for sale before compliance with the standards and rules has been demonstrated by approval of the design documents by the department.
- 12. Prescribe reasonably necessary measures to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious conditions at such places. The rules shall prescribe minimum standards for the design of and for sanitary conditions at any public or semipublic swimming pool or bathing place and provide for abatement as public nuisances of premises and facilities that do not comply with the minimum standards. The rules shall be developed in cooperation with the director of the department of health services and shall be consistent with the rules adopted by the director of the department of health services pursuant to section 36-136, subsection H, paragraph 10.
- 13. Prescribe reasonable rules regarding sewage collection, treatment, disposal and reclamation systems to prevent the transmission of sewage borne or insect borne diseases. The rules shall:
- (a) Prescribe minimum standards for the design of sewage collection systems and treatment, disposal and reclamation systems and for operating the systems.
- (b) Provide for inspecting the premises, systems and installations and for abating as a public nuisance any collection system, process, treatment plant, disposal system or reclamation system that does not comply with the minimum standards.
- (c) Require that design documents for all sewage collection systems, sewage collection system extensions, treatment plants, processes, devices, equipment, disposal systems, onsite wastewater treatment facilities and reclamation systems be submitted with a fee for review to the department and may require that the design documents anticipate and provide for future sewage treatment needs.
- (d) Require that construction, reconstruction, installation or initiation of any sewage collection system, sewage collection system extension, treatment plant, process, device, equipment, disposal system, on-site wastewater treatment facility or reclamation system conform with applicable requirements.
- 14. Prescribe reasonably necessary rules regarding excreta storage, handling, treatment, transportation and disposal. The rules shall:
- (a) Prescribe minimum standards for human excreta storage, handling, treatment, transportation and disposal and shall provide for inspection of premises, processes and vehicles and for abating as public nuisances any premises, processes or vehicles that do not comply with the minimum standards.
- (b) Provide that vehicles transporting human excreta from privies, septic tanks, cesspools and other treatment processes shall be licensed by the department subject to compliance with the rules.
- 15. Perform the responsibilities of implementing and maintaining a data automation management system to support the reporting requirements of title III of the superfund

amendments and reauthorization act of 1986 (P.L. 99-499) and title 26, chapter 2, article

- 16. Approve remediation levels pursuant to article 4 of this chapter.
- C. The department may charge fees to cover the costs of all permits and inspections it performs to insure compliance with rules adopted under section 49-203, subsection A, paragraph 6, except that state agencies are exempt from paying the fees. Monies collected pursuant to this subsection shall be deposited in the water quality fee fund established by section 49-210.
- D. The director may:
- 1. If he has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed, inspect any person or property in transit through this state and any vehicle in which the person or property is being transported and detain or disinfect the person, property or vehicle as reasonably necessary to protect the environment if a violation exists.
- 2. Authorize in writing any qualified officer or employee in the department to perform any act that the director is authorized or required to do by law.

49-404. State implementation plan

- A. The director shall maintain a state implementation plan that provides for implementation, maintenance and enforcement of national ambient air quality standards and protection of visibility as required by the clean air act.
- B. The director may adopt rules that describe procedures for adoption of revisions to the state implementation plan.
- C. The state implementation plan and all revisions adopted before September 30, 1992 remain in effect according to their terms, except to the extent otherwise provided by the clean air act, inconsistent with any provision of the clean air act, or revised by the administrator. No control requirement in effect, or required to be adopted by an order, settlement agreement or plan in effect, before the enactment of the clean air act in any area which is a nonattainment or maintenance area for any air pollutant may be modified after enactment in any manner unless the modification insures equivalent or greater emission reductions of the air pollutant. The director shall evaluate and adopt revisions to the plan in conformity with federal regulations and guidelines promulgated by the administrator for those purposes until the rules required by subsection B are effective.

49-406. Nonattainment area plan

- A. For any ozone, carbon monoxide or particulate nonattainment or maintenance area the governor shall certify the metropolitan planning organization designated to conduct the continuing, cooperative and comprehensive transportation planning process for that area under 23 United States Code section 134 as the agency responsible for the development of a nonattainment or maintenance area plan for that area.
- B. For any ozone, carbon monoxide or particulate nonattainment or maintenance area for which no metropolitan planning organization exists, the department shall be certified as

the agency responsible for development of a nonattainment or maintenance area plan for that area.

- C. For any ozone, carbon monoxide or particulate nonattainment or maintenance area, the department, the planning agency certified pursuant to subsection A of this section on behalf of elected officials of affected local government, the county air pollution control department or district, and the department of transportation shall, by November 15, 1992, and from time to time as necessary, jointly review and update planning procedures or develop new procedures.
- D. In preparing the procedures described in subsection C of this section, the department, the planning agency certified pursuant to subsection A of this section on behalf of elected officials of affected local government, the county air pollution control department or district, and the department of transportation shall determine which elements of each revised implementation plan will be developed, adopted, and implemented, through means including enforcement, by the state and which by local governments or regional agencies, or any combination of local governments, regional agencies or the state.

 E. The department, the planning agency certified pursuant to subsection A of this section on behalf of elected officials of affected local government, the county air pollution control department or district, and the department of transportation shall enter into a
- F. At a minimum, the memorandum of agreement shall contain:

procedures described in subsection C and D of this section.

1. The relevant responsibilities and authorities of each of the coordinating agencies.

memorandum of agreement for the purpose of coordinating the implementation of the

- 2. As appropriate, procedures, schedules and responsibilities for development of nonattainment or maintenance area plans or plan revisions and for determining reasonable further progress.
- 3. Assurances for adequate plan implementation.
- 4. Procedures and responsibilities for tracking plan implementation.
- 5. Responsibilities for preparing demographic projections including land use, housing, and employment.
- 6. Coordination with transportation programs.
- 7. Procedures and responsibilities for adoption of control measures and emissions limitations.
- 8. Responsibilities for collecting air quality, transportation and emissions data.
- 9. Responsibility for conducting air quality modeling.
- 10. Responsibility for administering and enforcing stationary source controls.
- 11. Provisions for the timely and periodic sharing of all data and information among the signatories relating to:
- (a) Demographics.
- (b) Transportation.
- (c) Emissions inventories.
- (d) Assumptions used in developing the model.
- (e) Results of modeling done in support of the plan.
- (f) Monitoring data.

- G. Each agency that commits to implement any emission limitation or other control measure, means or technique contained in the implementation plan shall describe that commitment in a resolution adopted by the appropriate governing body of the agency. The resolution shall specify the following:
- 1. Its authority for implementing the limitation or measure as provided in statute, ordinance or rule.
- 2. A program for the enforcement of the limitation or measure.
- 3. The level of personnel and funding allocated to the implementation of the measure. H. The state, in accordance with the rules adopted pursuant to section 49-404, and the governing body of the metropolitan planning organization shall adopt each nonattainment or maintenance area plan developed by a certified metropolitan planning organization. The adopted nonattainment or maintenance area plan shall be transmitted to the department for inclusion in the state implementation plan provided for under section 49-404.
- I. After adoption of a nonattainment or maintenance area plan, if on the basis of the reasonable further progress determination described in subsection F of this section or other information, the control officer determines that any person has failed to implement an emission limitation or other control measure, means or technique as described in the resolution adopted pursuant to subsection G of this section, the control officer shall issue a written finding to the person, and shall provide an opportunity to confer. If the control officer subsequently determines that the failure has not been corrected, the county attorney, at the request of the control officer, shall file an action in superior court for a preliminary injunction, a permanent injunction, or any other relief provided by law.
- J. After adoption of a nonattainment or maintenance area plan, if, on the basis of the reasonable further progress determination described in subsection F of this section or other information, the director determines that any person has failed to implement an emission limitation or other control measure, means or technique as described in the resolution adopted pursuant to subsection G of this section, and that the control officer has failed to act pursuant to subsection I of this section, the director shall issue a written finding to the person and shall provide an opportunity to confer. If the director subsequently determines that the failure has not been corrected, the attorney general, at the request of the director, shall file an action in superior court for a preliminary injunction, a permanent injunction, or any other relief provided by law.
- K. Notwithstanding subsections A and B of this section, in any metropolitan area with a metropolitan statistical area population of less than two hundred fifty thousand persons, the governor shall designate an agency that meets the criteria of section 174 of the clean air act and that is recommended by the city that causes the metropolitan area to exist and the affected county. That agency shall prepare and adopt the nonattainment or maintenance area plan. If the governor does not designate an agency, the department shall be certified as the agency responsible for the development of a nonattainment or maintenance area plan for that area.

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set forth in such plan, including, but not limited to, impact on availability of fuels, energy, transportation, and employment.

(e) To preclude a State from preparing, adopting, or submitting a plan which provides for attainment and maintenance of a national standard through the application of a control strategy not specifically identified or described in this part.

(f) To preclude a State or political subdivision thereof from adopting or enforcing any emission limitations or other measures or combinations thereof to attain and maintain air quality better than that required by a national

standard.

(g) To encourage a State to adopt a control strategy uniformly applicable throughout a region unless there is no satisfactory alternative way of providing for attainment and maintenance of a national standard throughout such

[61 FR 30163, June 14, 1996]

§51.102 Public hearings.

- (a) Except as otherwise provided in paragraph (c) of this section, States must conduct one or more public hearings on the following prior to adoption and submission to EPA of:
- (1) Any plan or revision of it required by §51.104(a).
- (2) Any individual compliance schedule under (§ 51.260).

(3) Any revision under §51.104(d).

(b) Separate hearings may be held for plans to implement primary and sec-

ondary standards.

- (c) No hearing will be required for any change to an increment of progress in an approved individual compliance schedule unless such change is likely to cause the source to be unable to comply with the final compliance date in the schedule. The requirements of §§ 51.104 and 51.105 will be applicable to such schedules, however.
- (d) Any hearing required by paragraph (a) of this section will be held only after reasonable notice, which will be considered to include, at least 30 days prior to the date of such hearing(s):
- (1) Notice given to the public by prominent advertisement in the area

affected announcing the date(s), time(s), and place(s) of such hearing(s);

- (2) Availability of each proposed plan or revision for public inspection in at least one location in each region to which it will apply, and the availability of each compliance schedule for public inspection in at least one location in the region in which the affected source is located;
- (3) Notification to the Administrator (through the appropriate Regional Of-
- (4) Notification to each local air pollution control agency which will be significantly impacted by such plan, schedule or revision;
- (5) In the case of an interstate region, notification to any other States included, in whole or in part, in the regions which are significantly impacted by such plan or schedule or revision.
- (e) The State must prepare and retain, for inspection by the Administrator upon request, a record of each hearing. The record must contain, as a minimum, a list of witnesses together with the text of each presentation.
- (f) The State must submit with the plan, revision, or schedule a certification that the hearing required by paragraph (a) of this section was held in accordance with the notice required by paragraph (d) of this section.
- (g) Upon written application by a State agency (through the appropriate Regional Office), the Administrator may approve State procedures for public hearings. The following criteria apply:
- (1) Procedures approved under this section shall be deemed to satisfy the requirement of this part regarding public hearings.

(2) Procedures different from this part may be approved if they-

- (i) Ensure public participation in matters for which hearings are required; and
- (ii) Provide adequate public notification of the opportunity to participate.
- (3) The Administrator may impose any conditions on approval he or she deems necessary.

[36 FR 22938, Nov. 25, 1971, as amended at 65 FR 8657, Feb. 22, 2000]

§51.103 Submission of plans, preliminary review of plans.

(a) The State makes an official plan submission to EPA only when the submission conforms to the requirements of appendix V to this part, and the State delivers five copies of the plan to the appropriate Regional Office, with a letter giving notice of such action.

(b) Upon request of a State, the Administrator will provide preliminary review of a plan or portion thereof submitted in advance of the date such plan is due. Such requests must be made in writing to the appropriate Regional Office and must be accompanied by five copies of the materials to be reviewed. Requests for preliminary review do not relieve a State of the responsibility of adopting and submitting plans in accordance with prescribed due dates.

[51 FR 40661, Nov. 7, 1986, as amended at 55 FR 5830, Feb. 16, 1990; 63 FR 9151, Feb. 24, 1998]

§51.104 Revisions.

(a) States may revise the plan from time to time consistent with the requirements applicable to implementation plans under this part.

(b) The States must submit any revision of any regulation or any compliance schedule under paragraph (c) of this section to the Administrator no later than 60 days after its adoption.

(c) EPA will approve revisions only after applicable hearing requirements of §51.102 have been satisfied.

(d) In order for a variance to be considered for approval as a revision to the State implementation plan, the State must submit it in accordance with the requirements of this section.

[51 FR 40661, Nov. 7, 1986, as amended at 61 FR 16060, Apr. 11, 1996]

§51.105 Approval of plans.

Revisions of a plan, or any portion thereof, will not be considered part of an applicable plan until such revisions have been approved by the Administrator in accordance with this part.

[51 FR 40661, Nov. 7, 1986, as amended at 60 FR 33922, June 29, 1995]

Subpart G—Control Strategy

SOURCE: 51 FR 40665, Nov. 7, 1986, unless otherwise noted.

§51.110 Attainment and maintenance of national standards.

(a) Each plan providing for the attainment of a primary or secondary standard must specify the projected attainment date.

(b)-(f) [Reserved]

(g) During developing of the plan, EPA encourages States to identify alternative control strategies, as well as the costs and benefits of each such alternative for attainment or maintenance of the national standard.

[51 FR 40661 Nov. 7, 1986 as amended at 61 FR 16060, Apr. 11, 1996; 61 FR 30163, June 14, 1996]

§51.111 Description of control measures.

Each plan must set forth a control strategy which includes the following:

(a) A description of enforcement

 (a) A description of enforcement methods including, but not limited to:

(1) Procedures for monitoring compliance with each of the selected control measures,

(2) Procedures for handling violations, and

(3) A designation of agency responsibility for enforcement of implementation.

(b) [Reserved]

[51 FR 40665, Nov. 7, 1986, as amended at 60 FR 33922, June 29, 1995]

§51.112 Demonstration of adequacy.

(a) Each plan must demonstrate that the measures, rules, and regulations contained in it are adequate to provide for the timely attainment and maintenance of the national standard that it implements.

(1) The adequacy of a control strategy shall be demonstrated by means of applicable air quality models, data bases, and other requirements specified in appendix W of this part (Guideline

on Air Quality Models).

(2) Where an air quality model specified in appendix W of this part (Guideline on Air Quality Models) is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model